

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (310) 207-3800

**INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025**

FACSIMILE: (310) 820-5988

RECEIVED  
CENTRAL FAX CENTER

## **FACSIMILE COVER SHEET**

SEP 22 2005

**Deliver to:** Jerry T. Rahll, USPTO

Art Group: 2874

Facsimile No.: (571) 273-8300

Date: September 22, 2005

From: Steven Laut, Reg. No. 47,736

**Our Docket No.: 2013P119**

Number of pages 5 including this sheet.

Application No.: 10/699,292

Filing Date: 10/30/2003

Enclosed are the following documents

BOOKS BY DAVIS (S):

**Enclosed are the following documents:**

- Issue Fee Transmittal
- Notice of Appeal
- Petition for: \_\_\_\_\_
- Request for Continued Examination (RCE)
- Reply Brief ( \_\_\_\_ pgs)
- Request & Certification Under 35 USC 122(b)(2)(B)(i)
- Request to Rescind Previous Nonpublication Request
- Response to Notice of Missing Parts & Formalities Letter
- Response to Written Opinion ( \_\_\_\_ pgs)
- Terminal Disclaimer
- Transmittal of Publication Fee Due
- Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

*I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.*

*J. Svoboda* 9/22/2005  
Jehn Svoboda Date

**RECEIVED  
OIPE/IAP**

SEP 23 2005

**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Jean Svoboda.

RECEIVED  
CENTRAL FAX CENTER

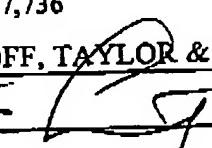
310 820 5988

T-683 P.002/005 F-879

SEP 22 2005

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/699,292
		Filing Date	October 30, 2003
		First Named Inventor	Ki Ho Han
		Art Unit	2874
		Examiner Name	Jerry T. Rahill
Total Number of Pages in This Submission	5	Attorney Docket Number	2013P119

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
		Return receipt postcard
Remarks		

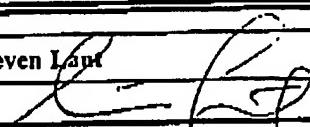
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Steven Laut, Reg. No. 47,736 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	September 22, 2005

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Jean Svoboda	Date	September 22, 2005
Signature			

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir 08/04/2004).  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

SEP 22 2005

<b>FEE TRANSMITTAL for FY 2005</b>		<i>Patent fees are subject to annual revision.</i>		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <b>TOTAL AMOUNT OF PAYMENT</b> (\$)		65.00	Application Number	10/699,292	
		Filing Date	October 30, 2003		
		First Named Inventor	K. Ho Han		
		Examiner Name	Jerry T. Rahill		
		Art Unit	2874		
		Attorney Docket No.	2013P119		
<b>METHOD OF PAYMENT (check all that apply)</b>					
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____					
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee					
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments					
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.					
<b>FEE CALCULATION</b>					
Large Entity	Small Entity	Fee Description			Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) Terminal Disclaimer					65.00
SUBTOTAL (2) (\$)					65.00

SUBMITTED BY					
Name (Print/Type)	Steven Lain	Registration No. (Attorney/Agent)	47,736	Telephone	(310) 207-3800
Signature			Date	09/22/05	

Based on PTO/58/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wbt) 12/16/2004  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER

Sep-22-05 12:27pm From-B S T Z

310 820 5988

T-683 P.005/005 F-879

SEP 22 2005

**TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
2013P119

In re the Application of: Ki Ho Han, et al.

Application No.: 10/699,292

Filed: October 30, 2003

For: pmd compensator based on separation of principal state of polarization control and differential group delay control, and method thereof

The owner, Electronics and Telecommunications Research Institute of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No(s). 6,678,431. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2.  The undersigned is an attorney of record.

09/23/2005 SDENB0B 00000071 022666 10699292

01 FC:2814 65.00 DA



9/22/2005

Signature

Date

Steven Laut, Reg. No. 47,736

Typed or printed name

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.**

- Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Based on PTO/SB/28 (05-03) as modified by Blakely, Spivack, Taylor & Zafman (wir) 09/17/2003.  
Send To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450